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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,371	09/21/2004	Yoshihiro Kubo	259134US2PCT	4125
22850	7590	06/15/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			DOAN, KIET M	
			ART UNIT	PAPER NUMBER
			2683	
DATE MAILED: 06/15/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/507,371	KUBO, YOSHIHIRO
	Examiner Kiet Doan	Art Unit 2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 September 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 6-12 is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 September 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09/21/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrishamkar et al. (Pub. No. 2003/0076871) in view of Arslan et al (Pub. No. 2002/0172166).

Consider **claim 1**, Abrishamkar teaches a radio communication apparatus comprising: a transmitting section for transmitting a request message to a first cell and a second cell (Page 3, Paragraphs [0029-0031], Fig.1, Illustrate mobile station No.26 which transmitting message to first cell as No.22 and a second cell as No.24), a baseband controller for starting said first combiner and said second combiner, and for controlling said combiners into a state in which said combiners can demodulate the first common control channel and the second common control channel simultaneously; and a radio communication controller for receiving a response message to the request message contained in one of the first common control channel and the second common control channel (Page 3, Paragraphs [0032-0036], Fig. 2, Illustrate baseband processor which read on baseband controller and contain controller No.56 controlling said combiner No.40 and demodulate No.72). Abrishamkar teach the limitation as discuss **but fail to teach** a first combiner for demodulating a first common control channel

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transmitted from the first cell; a second combiner for demodulating a second common control channel transmitted from the second cell;

In an analogous art, Arslan teaches “Communication system and method for measuring short-term and long-term channel characteristics”. Further, Arslan teaches a first combiner for demodulating a first common control channel transmitted from the first cell; a second combiner for demodulating a second common control channel transmitted from the second cell (Page 4, Paragraph [0046], Fig.6, Illustrate first and second demodulator and combiner No. 500);

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Abrishamka and Arslan, such that transmitting section for transmitting a request message to a first cell and a second cell, baseband controller for starting said first combiner and said second combiner which combiners can demodulating, to provide means for keeping communication uninterrupted when handoff/handover occur.

Consider **claim 2**, Abrishamka teaches the radio communication apparatus according to claim 1, wherein said baseband controller starts both said first combiner and said second combiner, when said radio communication controller issues instructions to make cell switching before receiving the response message from the first cell (page 3, Paragraphs [0029-0031], teach handoff to second cell means as MSC instructions to make cell switching).

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrishamkar et al. (Pub. No. 2003/0076871) in view of Arslan et al (Pub. No. 2002/0172166) and further view of Lee et al. (patent No. 6,621,809).

Consider **claim 3**, Abrishamkar and Arslan teach the limitation of claims ad discuss above **but fail to teach** the radio communication apparatus according to claim 1, wherein the request message is a message that requests reconnection of a dedicated channel, and the response message is a message that specifies a dedicated channel to be reconnected.

In an analogous art, Lee teaches "Device and method for gating transmission in a CDMA mobile communication system". Further, Lee teaches the radio communication apparatus according to claim 1, wherein the request message is a message that requests reconnection of a dedicated channel, and the response message is a message that specifies a dedicated channel to be reconnected (C3, L9-18, C14, L42-63).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Abrishamka, Arslan and Lee, such that the request message is a message that requests reconnection of a dedicated channel, and the response message is a message that specifies a dedicated channel to be reconnected, to provide means for specific selected channel can be reconnect.

Consider **claim 4**, Lee teaches the radio communication apparatus according to claim 1, wherein the request message is a message that requests switching from a dedicated channel to the common control channel, and the response message is a message that permits the switching from the dedicated channel to the common control channel (since Lee teach that specifies a dedicated channel to be reconnected which inherently contain permits the switching from the dedicated channel to the common control channel).

Consider **claim 5**, Abrishamka teaches the radio communication apparatus according to claim 1, wherein the request message is a message that requests cell reselection for making cell switching during communication via the common control channel, and the response message is a message that enables the cell reselection (Page 3, Paragraphs [0029-0030], teach handoff means as requests cell reselection for making cell switching during communication via the common control channel, and the response message is a message that enables the cell reselection).

Allowable Subject Matter

2. **Claims 6-12** is allowed over prior art of record.

The following is an examiner's statement of reasons for the indication of allowable subject matter:

Consider **claim 6**, the prior art record, Abrishamkar teaches a radio communication apparatus comprising: a transmitting section for transmitting a request

message to a first cell and a second cell (Page 3, Paragraphs [0029-0031], Fig.1, Illustrate mobile station No.26 which transmitting message to first cell as No.22 and a second cell as No.24).

However, Abrishamkar **fail to teaches** a first combiner that is set in a time shared manner that enables said first combiner to demodulate one of a secondary common control channel received from the first cell and a physical channel containing broadcast information, which channels are transmitted from the first cell; a second combiner that is set in a manner that enables said second combiner to demodulate a secondary common control channel received from the second cell; a baseband controller for setting said first combiner and said second combiner, and for controlling said combiners into a state in which said combiners can demodulate the secondary common control channel received from the first cell and the secondary common control channel received from the second cell simultaneously; and a radio communication controller for receiving a response message to the request message, which response message is contained in one of the secondary common control channel received from the first cell and the secondary common control channel received from the second cell, as substantially connect and specific detail and combination.

Claims 7-11 are allowed as being dependent on the independent claim 6.

Consider **claim 12**, the prior art record, Arslan teaches a receiving method of a common control channel comprising: a first step of setting a first combiner such that said first combiner can demodulate a first common control channel transmitted from a

first cell (Page 3, Paragraphs [0040-0042], Page 4, Paragraph [0046], Fig.4 teach first modulator No.340 means as first combiner which can demodulate).

Abrishamkar teaches a second step of transmitting a request message to the first cell; a third step of switching a cell that carries out communication from the first cell to a second cell (Page 3, paragraphs [0029-0031] teach step of handoff which means as switching a cell that carries out communication from the first cell to a second cell).

Arslan teaches a fourth step of setting a second combiner such that said second combiner can demodulate a second common control channel transmitted from the second cell (Page 3, Paragraphs [0040-0042], Page 4, Paragraph [0046], Fig.4 teach second modulator No.350 means as second combiner which can demodulate).

Abrishamkar teaches a fifth step of transmitting a request message to the second cell (Page 3, paragraph [0031]).

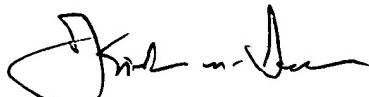
However, the combine of Abrishamkar and Arslan **fail to teach** and a sixth step of activating said first combiner and said second combiner to receive the response message contained in one of the first and second common control channels, when the third step is carried out before the response message to the request message is received from the first cell after the second step, as substantially connect and specific detail and combination

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kiet Doan
Patent Examiner



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